

**REMARKS****I. Status of the Claims**

Claims 1-18 are pending. Claims 1-18 are subject to a restriction requirement. Applicants request entry of the following remarks and examination of the claims.

**II. The Restriction Requirement is Improper**

Applicants traverse the restriction requirement, where the Examiner is requiring that Applicants elect one of the following four claim groupings:

**Group I:** Claims 1-13, drawn to a test kit for detecting endotoxin;

**Group II:** Claims 14-16, drawn to a method for detecting endotoxin;<sup>1</sup>

**Group III:** Claim 17, drawn to a method of detecting endotoxin with two containers;  
and

**Group IV:** Claim 18, drawn to a kit for detecting endotoxin where the sensitivity can vary based on the time incubation.

Because claims 1-18 include common features that permit examination of the claims together, the restriction requirement is improper and should be withdrawn. In particular, the claims are related in that each of claims 1-18 includes a horseshoe crab amebocyte lysate. Each of claims 1-18 also includes a defined quantity of endotoxin to serve as a positive control. These common features permit examination of the claims together without resulting in any undue burden on the Examiner. With particular reference to claim Groups I and IV, both of these claim groups are directed to kits for detecting endotoxin that include the common features noted above. At the very least, claims Groups I and IV should be examined together because of the substantial features these two claim groups share in common.

---

<sup>1</sup> In the Restriction Requirement, Claim Grouping II inadvertently omitted claim 16. For completeness, claim 16 has been included with Claim Grouping II in this response.

**III. Applicants Elect Group I for Examination**

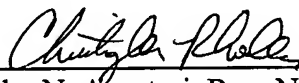
Notwithstanding the above traversal of the restriction requirement, Applicants hereby elect Claim Grouping I (claims 1-13) for examination.

**IV. Conclusion**

In view of the foregoing amendments and remarks, examination of the claims is respectfully requested.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. A2006-700610.

Respectfully submitted,  
*Novitsky et al., Applicants*

By:   
John N. Anastasi, Reg. No. 37,765  
Christopher R. Rhodes, Reg. No. 47,022  
LOWRIE, LANDO & ANASTASI, LLP  
One Main Street  
Cambridge, Massachusetts 02142  
Telephone: 617-395-7000  
Facsimile: 617-395-7070

Date: September 8, 2006